



CANNON BUILDING

STATE OF DELAWARE

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DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	DELAWARE GAMING CONTROL BOARD
MEETING DATE AND TIME:	Thursday, February 4, 2010 at 1:00 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B, second floor of the Cannon Building
MINUTES APPROVED:	April 1, 2010

MEMBERS PRESENT

Deborah Messina, Chair, Public Member
James Greene, Vice-Chairman, DE Volunteer Fireman's Association Member
Brad Barrie, Public Member
Scott Angelucci, Public Member
Sharon McDowell, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Patricia Murphy, Deputy Attorney General
Renee' Holt, Administrative Specialist II

MEMBERS ABSENT

None

ALSO PRESENT

Joyce Talley – Premier Poker
Chip Thompson – Charitable Games of Delaware
Jay Denver – TripKings Entertainment
Jennifer Eachus – TripKings Entertainment
Joe Messineo – Dover Elks Lodge
Representatives for Electronic Bingo – KeyStone Bingo

CALL TO ORDER

Ms. Messina called the meeting to order at 1:09 p.m. Ms. Messina requested the members of the public introduce themselves for the Board.

REVIEW OF MINUTES

Ms. Messina indicated the review and approval of the minutes for January 7, 2010 would be tabled until the February meeting.

UNFINISHED BUSINESS

Review of Third Party Vendor's Business Licenses

Ms. Holt reported to the Board all third party vendor business licenses on file. Ms. Messina informed the third party vendors that it was their responsibility to keep their current business license on file with the Division of Professional Regulation. After discussion with the public regarding issues with Temporary Business licenses, the Board moved to the next item on the agenda.

Ms. Murphy confirmed there needed to be a public hearing regarding the proposed rule changes from the January meeting.

Proposed to Deny Hearings

Ms. Messina verified the application was complete for Brother Vincent Columbiettes. Mr. Greene made a motion, seconded by Ms. McDowell to approve the application. The motion was unanimously approved.

Ms. Messina verified the applications for both the Charitable Gambling and Texas Hold'Em events for Bethany Beach Volunteer Fire Company were complete. Mr. Greene made a motion, seconded by Ms. McDowell to approve the applications. The motion was unanimously approved.

NEW BUSINESS

Executive Session

Mr. Greene made a motion to enter executive session to discuss non public documents regarding Individual Texas Hold'Em License Applications. Ms. McDowell seconded the motion. The motion was unanimously approved. Executive Session began at 1:24 p.m. and adjourned at 1:41 p.m.

Individual Texas Hold'em Dealer License Applications

Thomas J Bell – Ms. McDowell made a motion, seconded by Mr. Angelucci to propose to deny the application. The motion was unanimously approved.

Timothy Hamill – Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application. The motion was unanimously approved.

Miles Brown – Ms. McDowell made a motion, seconded by Mr. Angelucci to propose to deny the application. The motion was unanimously approved.

Rules and Regulations Discussion

Chairman's Report

Ms. Messina introduced Ms. Holt as the Board Liaison. Ms. Messina requested the public refer questions to Ms. Holt through the Division.

Ms. Messina commented regarding advertising issues. Ms. Messina stated she was working with Mr. Willard regarding establishing more defined regulations regarding advertising of events.

Ms. Messina clarified that alcohol on the premises of Charitable Gaming and Bingo events is never allowed. Ms. Messina also stated that for Texas Hold'em Tournaments, the group that is the valid holder of the liquor license must be approved by the Commissioner (Alcoholic Beverage Control) to go off premises to sell alcohol.

Ms. Messina stated In addition, no organization is authorized to allow people to bring their own alcohol in the third party vendor's establishment without a bottle license. Ms. Messina stated in the future, applications that indicate alcohol will be served must appear on the review list and not the acceptance list.

In regards to the Rules and Regulations, Ms. Messina stated that in the last 2 ½ years, the rules and regulations have been brought into order. Ms. Messina reminded the third party vendors and organizations that it was their responsibility to know all the rules and regulations. Ms. Messina offered, If there was something the organizations or vendors couldn't find, they could call the Board office and if they felt they could not get a correct answer, they could call her directly.

Review of Application for Texas Hold 'Em Tournament(s)

Ms. Messina inquired if there were any members who needed to recuse themselves. No members recused.

Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the applications for: Midway Girl's Softball , Knights of Columbus – Bishop Curtis Council #2867, and Angels Softball. The motion was unanimously approved.

Ms. Messina clarified the applications for Upper Bay Counseling and Knollwood Civic Association had listed events on the same date at the same time and same location. Mr. Denver addressed the Board regarding the dates for both applications. Ms. Messina confirmed both organizations listed the same event date and time. As this is not allowable, Ms. Messina stated the Board would approve the application that was received in the office first. The Board confirmed the application for Knollwood Civic Association came first.

Mr. Greene made a motion, seconded by Ms. McDowell to propose to deny the application of Upper Bay Counseling. The motion was unanimously approved.

Mr. Greene made a motion, seconded by Ms. McDowell to approve the application for Knollwood Civic Association. The motion was unanimously approved.

Ms. McDowell made a motion, seconded by Mr. Barrie to approve the applications for: Clarence Fraim Senior Center, Delaware Angels AAU Basketball, Hall-Burke Post 5447 Veterans of Foreign War, and St. John the Beloved – Athletic Association. The motion was unanimously approved.

Review of Charitable Gambling Event Application(s)

Ms. McDowell made a motion, seconded by Mr. Barrie to approve the applications for Midway Girl's Softball, Georgetown Historical Society, Gumboro Volunteer Fire Company, and Jefferson Street Child Center. The motion was unanimously approved.

Due to the volume and disruption of side conversations in the public, Mr. Greene requested the public hold their conversations in the hallway.

Mr. Angelucci made a motion, seconded by Mr. Greene to approve the application for Knights of Columbus – Bishop Mardaga #2014. The motion was unanimously approved.

Ms. Messina reviewed the application for Community Athletic League and stated the application was missing a letter of authorization for use of the facility for the event date of April 28, 2010. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application contingent upon receipt of the letter of authorization for the April 28, 2010 event. The motion was unanimously approved.

Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the applications for: Children and Families First, Camden Wyoming Moose Lodge 203, Bear Hugs for Babies, and Upper Bay Counseling. The motion was unanimously approved.

Mr. Greene made a motion, seconded by Ms. McDowell to propose to deny the application for Roxana Volunteer Fire Company due to missing after occasion reports. The motion was unanimously approved. The third party vendor asked what is missing for the organization. Ms. Messina stated the organization was missing after occasion reports and explained the Board's standard practice regarding proposal to deny and contingent approvals.

Ms. McDowell made a motion, seconded by Mr. Greene to approve the applications for Sussex County Return Day Inc, and Milton Development Corporation. The motion was unanimously approved.

Ms. Messina indicated the application for National Federation of the Blind was missing the letter of authorization of use of the facility. Mr. Greene made a motion, seconded by Ms. McDowell to approve the application contingent upon receipt of the letter of authorization of use of the facility. The motion was unanimously approved.

Ms. Messina reviewed the application for Christiana Lodge #35 AF & AM and stated the application was incomplete. Mr. Greene made a motion, seconded by Ms. McDowell to propose to deny the application. The motion was unanimously approved.

Ms. McDowell made a motion, seconded by Mr. Barrie to approve the applications for Brandywine Chapter 9 – Royal Arch Mason and St. Helena Athletic Association. The motion was unanimously approved.

Ms. Messina reviewed the application for St. John's Lodge #2 AF & AM and stated that application was missing the letter of authorization of use of the facility and a copy of the house rules. Mr. Greene made a motion, seconded by Ms. Messina to propose to deny the application. The motion was unanimously approved.

Ms. Messina reviewed the applications for Salesianum School Inc which were a regular application and a snow date contingent application. Ms. Messina stated both applications could not be approved because there would be more than one event approved for a month. Mr. Greene made a motion, seconded by Ms. McDowell to approve the application for the February 26, 2010 event. The motion was unanimously approved. Mr. Greene made a motion, seconded by Mr. Angelucci to propose to deny the application for the February 27, 2010 snow date. The motion was unanimously approved.

Ms. Messina reviewed the application for the American Cancer Society and indicated there was an active Charitable Gambling permit for February 18, 2010 with a different third party vendor. Mr. Greene made a motion, seconded by Ms. McDowell to propose to deny the event for February 15, 2010 and approve the other dates listed. The motion was unanimously approved.

Ms. McDowell made a motion, seconded by Mr. Greene to approve the applications for: Clarence Fraim Senior Center of Delaware Inc, Delaware Angels AAU Basketball, Feral Friends of Millsboro, Frankford Public

Library, Knights of Columbus – Bishop Curtis Council #2867, Milton Cat Snippers Inc, National Federation of the Blind - Sussex County, Rehoboth Beach Little League Inc, St. John the Beloved – Athletic Association, Sussex Community Crisis Housing, and The Father's House. The motion was unanimously approved.

Review of Original Bingo Applications

There were no applications to review.

Review of Bingo Event Application(s)

Mr. Greene made a motion, seconded by Ms. McDowell to propose to deny the application for Ladies Auxiliary of Georgetown Fire Company due to a missing after occasion report. The motion was unanimously approved.

Mr. Greene made a motion, seconded by Mr. Angelucci to propose to deny the application for Dover Elks Lodge #1903 and Ladies of the Elks due to two missing after occasion reports. The motion was unanimously approved.

Mr. Greene made a motion, seconded by Mr. Barrie to propose to deny the application for Bowers Fire Company due to four missing after occasion reports. The motion was unanimously approved.

Mr. Angelucci made a motion, seconded by Ms. McDowell to approve the application for Ladies Auxiliary Millcreek Fire Company February 26, 2010 date contingent upon receipt of four missing after occasion reports.

Mr. Angelucci made a motion, seconded by Ms. McDowell to propose to deny the applications for Ladies Auxiliary Millcreek Fire Company for events March 26, 2010, April 7 – June 30, 2010, and April 30, 2010 due to missing after occasion reports. The motion was unanimously approved. Ms. Messina stated the June dates could not be approved at this time due to the three month event application rule.

Mr. Angelucci made a motion, seconded by Ms. Messina to approve the application for Claymont Fire Company Ladies Auxiliary. The motion was unanimously approved.

Mr. Angelucci made a motion, seconded by Ms. McDowell to approve the application for Delaware Veterans Inc Post #2. The motion was unanimously approved.

Review of Raffle Application(s)

Mr. Angelucci made a motion, seconded by Ms. McDowell to propose to deny the application for Ronald McDonald House of Delaware due to a missing after occasion report. The motion was unanimously approved.

Review of Instant Bingo Application(s) - None

Request to Change Date of Approved Event

Mr. Greene made a motion, seconded by Mr. Angelucci to deny the request of Delaware City Volunteer Fire Company #1 to change the date of a now past event and add a game. The motion was unanimously approved.

Mr. Angelucci made a motion, seconded by Mr. Barrie to approve the request of the Indian River Volunteer Fire Company to change the date of an approved event due to inclement weather. The new date would be March 19, 2010. The motion was unanimously approved.

Approval of Licensure List(s)

Ms. McDowell made a motion, seconded by Mr. Barrie to approve the licensure list for Texas Hold'Em Tournaments and Bingo Events. The motion was unanimously approved.

Mr. Barrie made a motion, seconded by Ms. McDowell to approve the licensure list for Raffle events. The motion was unanimously approved.

Hearings/Consent Agreements - None

Closed Complaints

Mr. Greene informed the Board the Division of Professional Regulation Investigative Unit recommended closing complaint # 22-22-09. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the closing of the complaint. The motion was unanimously approved.

Complaint Updates – None

Complaint Assignments

Complaint #22-01-10 was assigned to Ms. McDowell.
Complaint #22-02-10 was assigned to Mr. Angelucci.

After Occasion Reports – None

Delegation of Authority (permits issued) – None

Other Business (for discussion only)

Electronic Bingo Devices – Mr. Messineo of Dover Elk's Lodge addressed the Board and explained what the presentation was about. Mr. Messineo stated other states like Pennsylvania currently used electronic bingo devices. Mr. Messineo introduced the representatives from Keystone Bingo for further explanation and demonstration. The vendors introduced themselves and began the presentation. The vendor stated they would demonstrate how the devices could be loaded with multiple "faces" – cards – showing the Board how the device works and then further discuss things like fairness. The vendor stated other states have limited the number of faces that could be played. The vendor then discussed terms of leasing equipment and how to address the leasing on after occasion reports. The representative stated the options were not strictly electronic or paper and that most organizations intermingle the two. The representative stated the device could be loaded with however many faces the organization wanted. The representative stated Pennsylvania does not govern use of Electronic Bingo. He also stated that New York and New Jersey limit the use of only 54 cards per game additional and one handset per person. The representative indicated that limiting the usage keeps the odds fairly even where the odds are 3 -1 with paper over electronic. The representative stated the win ratio is still higher on paper but gives ability to the player to play multiple cards on handset. The representative stated the handset would automatically bring the best cards to front and marks all cards that have the number called and can do this via RF (radio frequency) communication: the bingo machine sends a signal once the ball is placed in the tray and automatically updates the handsets. The organization rents equipment with the idea being to help the organization bring in a younger player. The representative stated they could go further into detail at the Board's request.

Ms. Messina stated Board would like to gather more information from other states that regulate electronic bingo.

The vendor stated the device comes with a POS (point of sale) system and has accounting and tracking and accountability that provides a record of payouts and has a receipt for the player and the cost of POS is built into the rental of the unit. The vendor stated the POS increased the bottom line to organization from 10% to 18%. The vendor also stated right now the Delaware law does not address electronic bingo either way.

Mr. Messineo and the vendors thanked the Board for their time.

Ms. Messina stated it would be a minimum of two board meetings before the Board would be able to address this issue further and thanked the vendors for their presentation.

Public Comment –

Ms. Talley stated there recently has been several snowdays and inquired if the organizations would be refunded their fee or be allowed to make up the event dates. Ms. Messina stated the Board did not refund fees, however, would allow organizations to request make up dates if the government had declared a State of Emergency and in the event of inclement weather such as January 29, 2010. Ms. Messina stated the Board did have the ability to process a snow date application through the Division (of Professional Regulation). Ms. Messina stated the Board would review the requests on a case by case basis. Ms. Talley inquired if the organization could send an email to request the new date. Ms. Messina clarified the organization would have to send a new application with the new date listed by not be required to submit a new fee. Ms. Talley inquired if the organization needed to submit an after occasion report for the date that the event was not held. Ms. Messina confirmed the organization had to file the after occasion report and stated one of the reasons for requiring a new application was to verify compliance with the rule regarding holding one event per month.

Ms. Talley then inquired as to the proposed rule changes and how the public could find information on what the proposed changes were and how to find when the changes would be effective. Ms. Messina discussed the process for looking up proposed and final rule changes in the Register of Regulations. *The web address for the Register of Regulations is <http://regulations.delaware.gov/services/register.shtml>.*

Mr. Thompson provided correspondence from Safe Haven Animal Sanctuary to the Board as the organization member was unable to attend the meeting. Ms. Messina read correspondence to the Board. Ms. Messina thanked Mr. Thompson for bringing the letter.

Ms. Messina then stated she was going to discuss some issues surrounding advertising. Ms. Messina advised the public that advertising “is becoming a strong pain” and provided a few examples of the advertising. First, Ms. Messina reviewed an article that appeared in the Cape Gazette on Friday, January 29, 2010 that stated a particular third party vendor “donated” to particular charities when that was not the case. Mr. Thompson addressed this article and confirmed the article was misleading and he had contacted the reporter to clarify the inaccuracy as this was never stated by the vendor to the reporter.

Ms. Messina then stated she visited TripKings Entertainment and took note there was an armed guard at the entrance. Ms. Messina stated the flier on the counter did not indicate there were any charitable organizations holding events, but that the poker room had events every day. Ms. Messina stated she felt this was false advertising because there were not charities listed by the dates of the events and that the third party vendor could not possibly know that there would be approved events every day. Mr. Denver stated he would relay this information to the owner. Ms. Messina addressed Ms. Talley regarding how she (Ms. Messina) appreciated how Ms. Talley’s ads read in the Dover Post. Ms. Messina stated it was clear and she was able to immediately identify what charitable organization was hosting its event on a particular date.

Ms. Messina briefly discussed an article in the Delaware State News regarding a bingo robbery at Mamie Warren Senior center.

Mr. Greene stated that in the last couple weeks he had been going to the third party vendors and checking to see if the rules were being followed. Mr. Greene state he was being really good hearted not to writing up complaints when he returned from the visits. Mr. Greene reviewed Rule 3.1.6 and stated payment of workers is prohibited. Mr. Greene also stated he witnessed tips being paid to dealers and players buying more than 150 in chips.

3.1.6 Payment of Workers Prohibited. No unreasonable commission, salary, compensation, reward, recompense, reimbursement of expenses or gift or other consideration shall be paid directly or indirectly, to any person for conducting or assisting in the conduct of any Function. No tip, gratuity or gift or other consideration shall be given or accepted by any person conducting or assisting in the conduct of a Function either directly or indirectly, and one or more signs prohibiting tipping shall be or more signs prohibiting tipping shall be prominently displayed in each playing area. No person shall solicit or receive any gift or donation or other consideration directly or indirectly on the premises during the conduct of a Function. Nothing in this subsection prohibits any person from sharing food and beverages made available at the functions, or the collection of bar tips for the benefit of the Sponsoring Organization

Mr. Thompson inquired why there wasn't an automatic fine in place when those infractions were identified. *(The process to handle infractions of this nature is to file a complaint with the Division of Professional Regulation and have the matter investigated and then if there is enough evidence, the complaint is escalated to the Attorney General's Office for further consideration and possible prosecution.)*

Mr. Greene explained the reason he was given by the vendor/staff person *(of the third party vendor)* was "the stupidest reason I heard". Mr. Greene stated "The warnings are over – the next time I come out and find it I don't have a problem..." (reporting the incident).

Mr. Denver inquired as to another third party vendor issuing time chips when a player could only buy \$150 worth of chips. Mr. Greene recommended Mr. Denver file a complaint. After further discussion regarding this question, the Board moved to discussing and clarifying the rules regarding have a member from the charitable organization present. The Board emphasized this requirement and stated it was for the charitable organizations protection.

Next Meeting Date

The Board will hold a meeting on March 4, 2010 at 1:00 p.m. in Conference Room B of the Cannon Bldg, 861 Silver Lake Blvd, Dover, Delaware, 19904.

Adjournment

There being no further business before the Board, Ms. McDowell made a motion, seconded by Mr. Greene to adjourn the meeting at 3:30 p.m. The motion was unanimously approved.

Respectfully submitted,



Renee' M. Holt
Administrative Specialist II